

# McKENZIE COUNTY

## Planning and Zoning Commission

### #10-24CUP Dakota Data Diggers LLC

<b>Application:</b>	June 10, 2024
<b>Hearing Date:</b>	July 8, 2024
<b>Description:</b>	Parcel ID 490000775, SE1/4 S-7, T-145N, R-103W IT 1073
<b>Owner(s)/Applicant:</b>	Dakota Data Diggers / Bicentennial Crypto Facility
<b>Reason for Request:</b>	Dakota Diggers intends to locate 5 data mining containers and 5 cooler containers adjacent to the Bicentennial electric substation using power from that substation to run the equipment.

**Comprehensive Plan Land Use: Agriculture**

**Zoning: Agricultural**

#### Findings of Fact:

1. All public notifications have been made.
2. No comments either for or against have been received.
3. Applicant is not the property owner but has owners permission.
4. Applicant has a Certificate of Good Standing with the State of ND.
5. Applicant has a contract with McKenzie Electric Coop for power.
6. Applicant has approval from Sidney Fire, Sheriff and the 911 coordinator, and has emailed Alexander for their comments as well.
7. There will be no lithium batteries on site.
8. Applicant will be using a closed loop water system for cooling.
9. Once constructed, Site will be monitored via satellite link as well as fiber connection which will monitor individual computer performance, temp of each computer as well as ambient temp of room, and monitoring of the cooling systems.
10. Site will have a sign with name, address and emergency contact.
11. Site is less than one acre and will be completely fenced.
12. There are no residences or other occupied buildings within a 1 mile radius.
13. Applicant has applied for an Approach permit.

14. Applicant has commissioned an Acoustic Study.

15. Installation will follow state electrical code and be compliant with all State requirements as well.

16. There are no other Data Centers within a 3 mile Radius.

**Conditional Use Permit Criteria::**

No conditional use permit shall be recommended by the Planning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:

**a. The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The operation of this facility will not be detrimental or endanger public health, as it is at least a mile from any residence.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

Site will encompass 1 acre adjacent to an electrical substation, which will be supplying the electricity to the installation.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The proposed conditional use shall not impede the normal orderly development of the surrounding property, as it is at least 1 mile from any residence.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.

**e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.**

Site is not near any public streets, so it will not have any effect on adjoining properties or public streets.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed conditional use shall conform to all applicable regulations of the district within which it is located.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends for this Conditional Use Permit.

Suggested motion: "Staff Recommends tabling Conditional Use Permit 10-24CUP. Accept the finding and conditions as presented in the Staff Report "

**Conditions:**

1. Applicant shall mark the site with a (4' x 8') sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Name, Address and Emergency contact. This must be completed within 30 days of the County Commission Approval.
2. Maintain Weed control as approved by the McKenzie County Weed Control Officer.
3. The Applicant shall adhere to all Local, State and Federal laws, regulations and conditions for the proposed facility.
4. A RECLAMATION BOND SHALL BE PROVIDED TO THE PLANNING DEPARTMENT, within sixty (60) days of Approval from the Board of County Commissioners. Per the McKenzie County Zoning Ordinance, Section 2.13.2.2 the bond shall be for one hundred and fifty (150) percent of a licensed engineer or the Planning Director estimate of the cost to remove all above ground structures, all underground structures to a depth of four (4) feet, including but not limited to: pipes, wires and concrete, and to remove gravel, scoria, or other ground cover or fill from the site, re-grade the site so it has a predevelopment appearance, and re-seed the site with native grasses and vegetation. Per Ordinance 4.18.2.6 Reclamation shall include the grading of the site, top soil shall be applied to a depth of at least six (6) inches on all disturbed areas. The Bond shall name the county as the beneficiary and must be submitted to the Planning and Zoning Department prior to any operations on site. This bond shall remain in effect until released by the Planning and Zoning Director.
5. Access on the private roadway must be maintained for 911 purposes.
6. Any change in area or volume will require an amendment to the Conditional Use Permit, per Section 5.8.5 of the McKenzie County Zoning Ordinance.
7. The applicant shall maintain a site free of garbage from within the site and from outside sources during and after construction.
8. All Exterior lighting shall face downward.
9. All structures and mechanical Equipment shall be setback a minimum of fifty (50) feet from property lines.
10. Applicant Shall fence the perimeter of the property with a 6ft tall fence constructed of either chain link, masonry or solid wood .
11. Applicant shall obtain Skid Permits for the containers.
12. Data Centers shall be separated by 3 miles from any other lawfully existing Data Centers.
13. Site will be inspected Annually to ensure continued compliance with the conditions of this permit. If violations occur this permit may be placed before the County Commission for review. 14. Applicant shall obtain building permits for any permanent structures that are to be put on the property.
15. All Building, Structures and appurtenances on the property where the Data is located shall be meet the

height requirements of the zoning district for which they reside.

16. Landscaping buffers shall be required around the perimeter of the property in accordance with the ordinance.

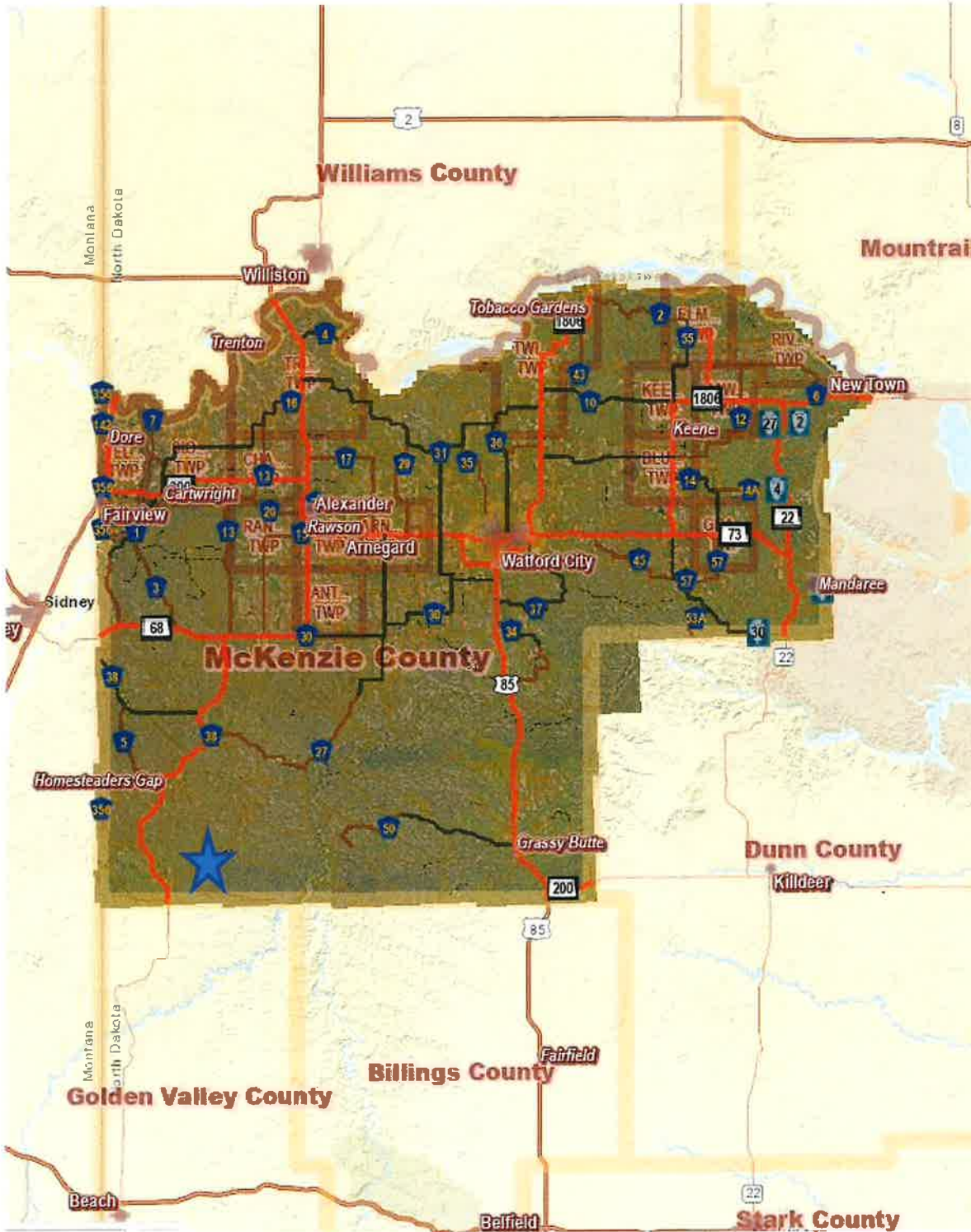
17. All Buildings and appurtenances, including those constructed for noise mitigation, shall be finished in a non-obtrusive color and be complementary to the main building.

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S-7,T-145N,R-103W

Vicinity MAP

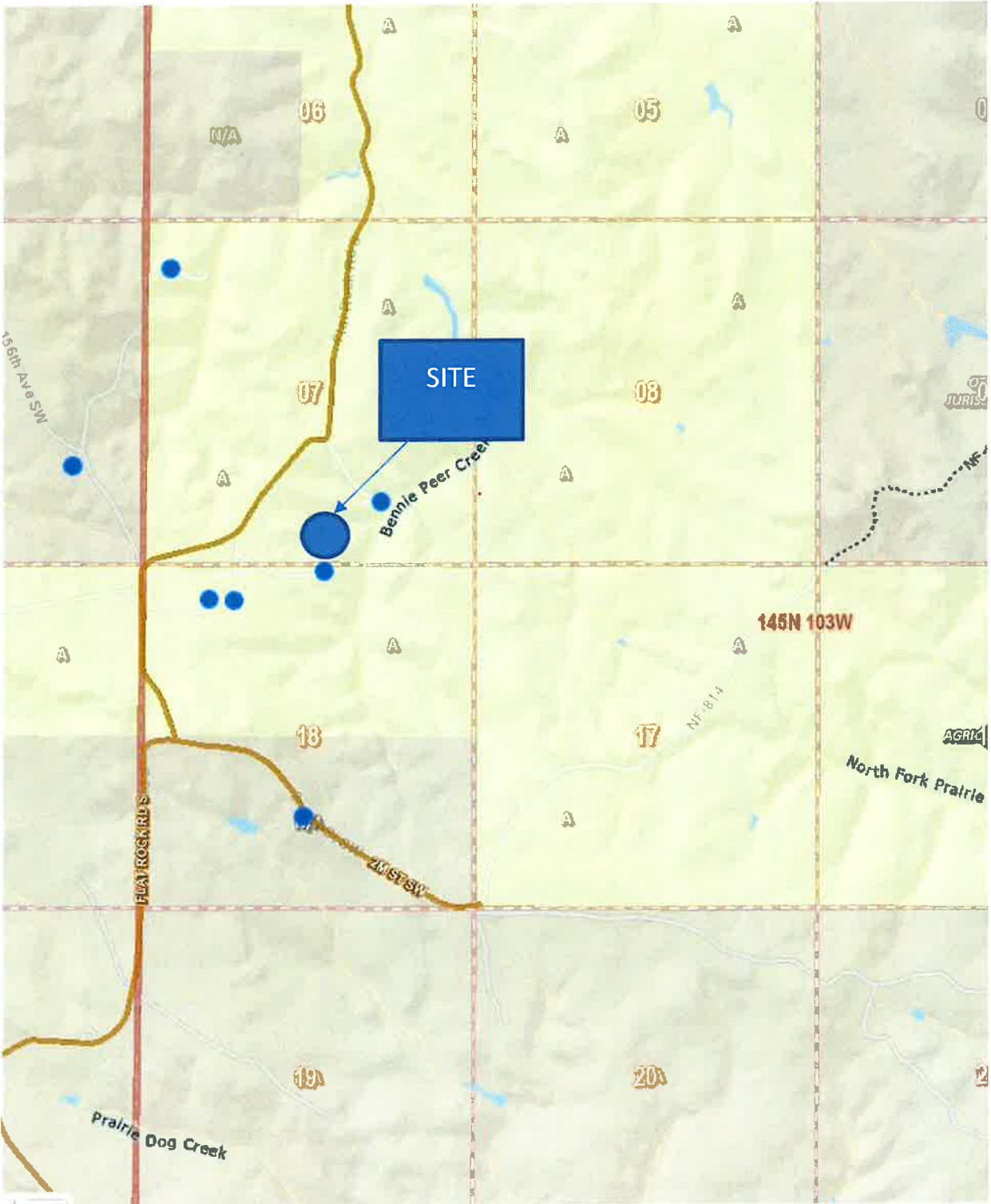


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## Comprehensive Plan Map-Agriculture

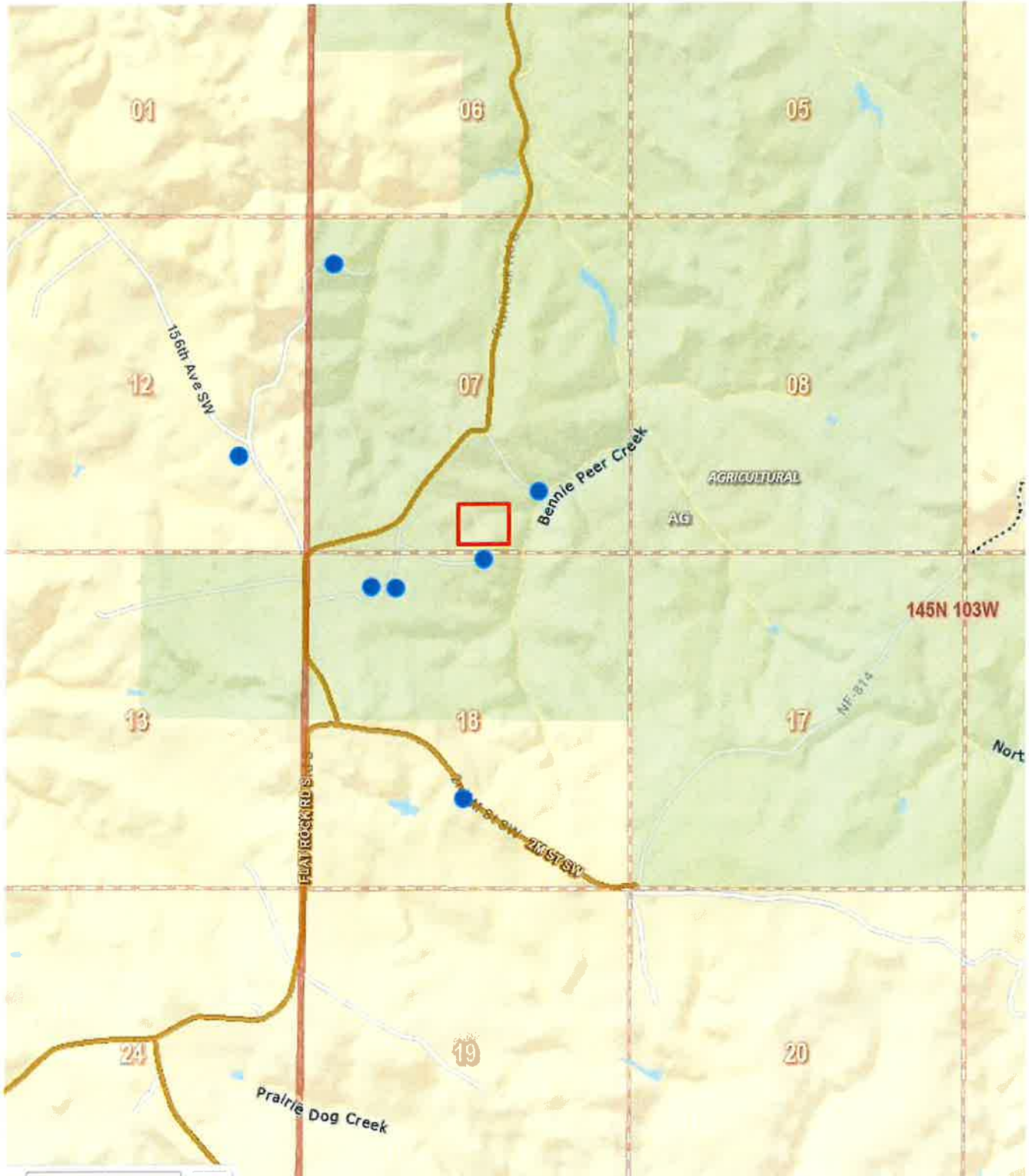


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## Zoning Map-Agriculture

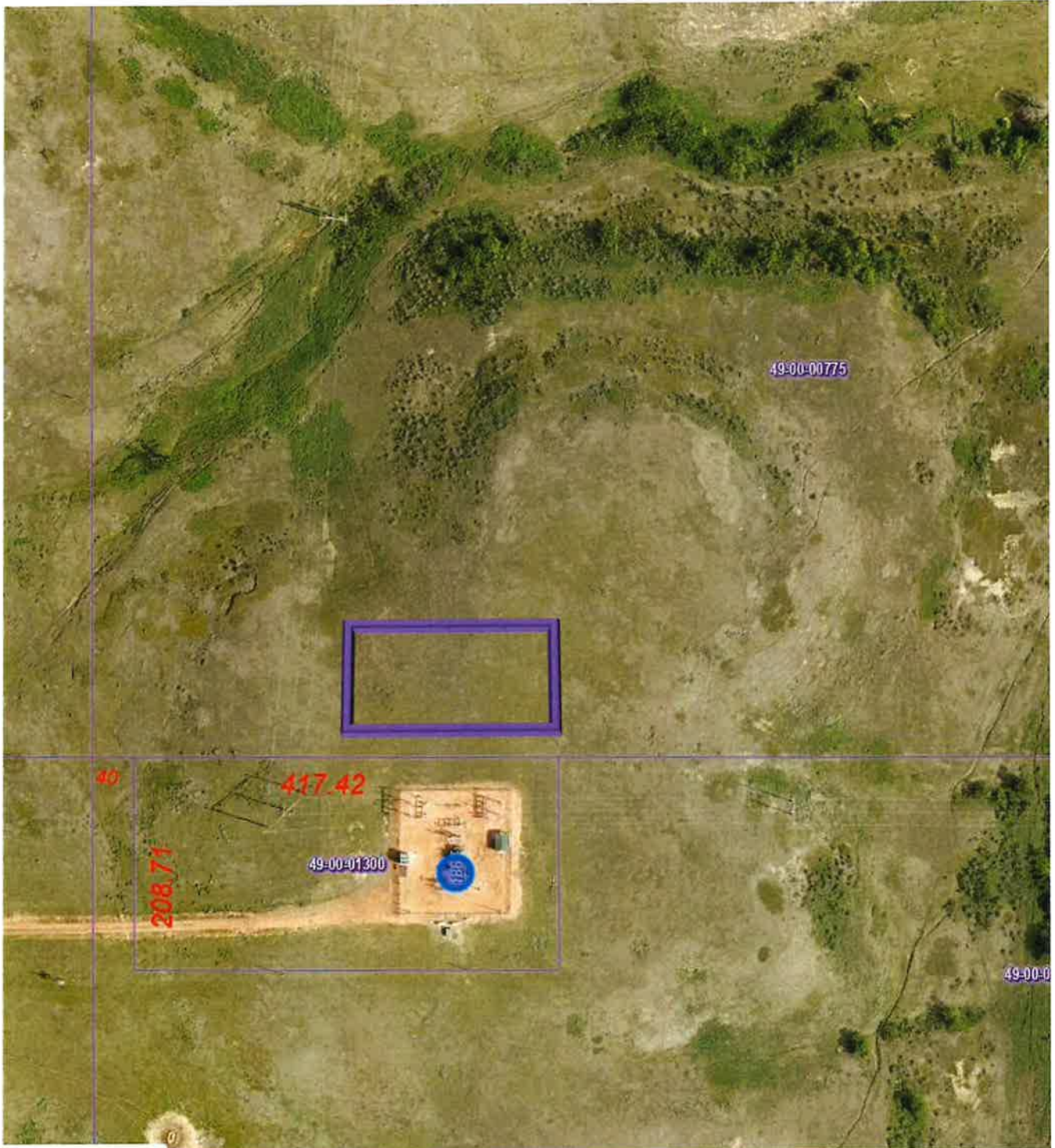


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## SITE MAP



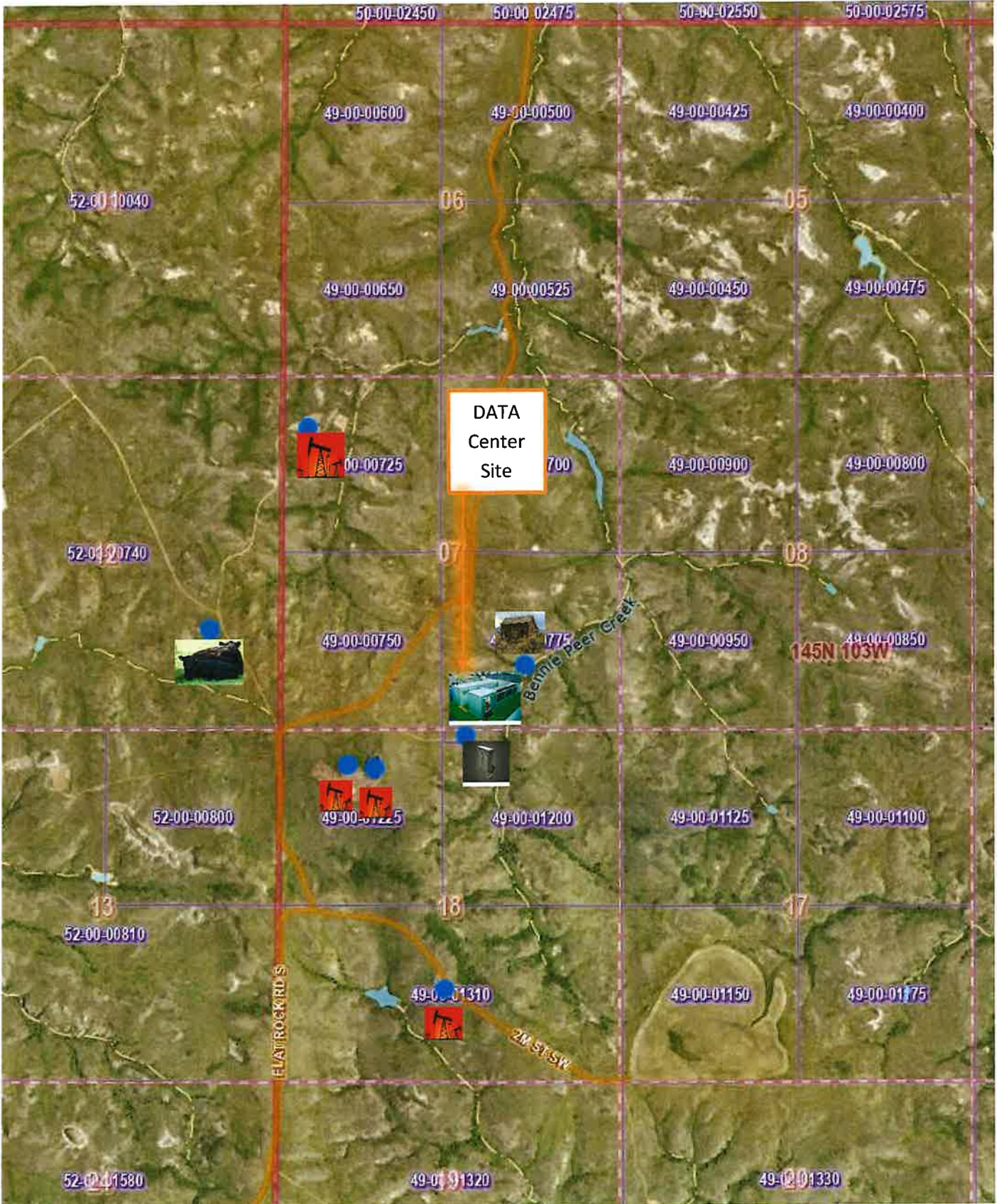


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## MAP



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1 mile Radius

